

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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July 10, 2015

MEMO TO COUNSEL RE: Marcus Bounds v. Deputy Benjamin Parsons, et al.
Civil No. JFM-15-1033

Dear Counsel:

I have reviewed the memoranda submitted in connection with the motion to dismiss or for summary judgment filed by defendants Heacock and Dallam. The motion (document 21) is granted in part and denied in part.

The motion is granted to the extent that the amended complaint asserts claims for assault and conspiracy to commit assault. Those claims are barred by limitations because they were asserted more than one year after the incident in question occurred. *See Md. Code, Cts. & Judicial Proceedings Art. §5-105; Green v. Pro Football, Inc.*, 2014 WL 3385927 * 722 (D. Md. 2014).

The motion is otherwise denied. If, as defendants argue, the findings made in this case were to undermine plaintiff's criminal convictions, plaintiff's claims would be barred by the doctrine set forth in *Heck v. Humphrey*, 512 US 477 (1994). I am not satisfied that this is the case, however. I will be in a better position to evaluate the applicability of *Heck* after discovery has been concluded and I have been presented the basis for the criminal conviction and the video of the incident in question.

A conference call will be held on July 27, 2015 at 4:45 p.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call.

Enclosed is a tentative scheduling order with approximate dates for your information. Please consult with one another before the call and be prepared to discuss whether you would like to participate in a settlement conference either before or after the completion of discovery, any changes to the dates in the form scheduling order, and whether there is unanimous consent to proceed before a U.S. Magistrate Judge for all proceedings.

Also enclosed is a letter regarding a call-in hour program for the resolution of discovery disagreements.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge